

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	NO. CR13-5308BHS
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	Re: GOVERNMENT'S
RAY EUGENE CALDWELL and	)	MOTION IN LIMINE
ALL OUT SEWER AND DRAIN	)	
SERVICE, INC.,	)	
	)	
Defendants.	)	

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The United States has moved in limine to exclude evidence and argument that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a good faith belief that he was complying with the law; (3) there was insufficient actual environmental harm; and (4) the discharge was *de minimis*.

The Court, having received and reviewed the motion and arguments included therein, makes the following ruling:

IT IS ORDERED that the Defendants are prohibited from introducing any evidence or arguing that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a good faith belief that he was complying with the law; (3) there was insufficient actual environmental harm; and (4) the discharge was *de minimis*.

1 Such evidence is not relevant to any of the elements the government must prove at trial,  
2 or defenses that could be raised, and would lead to undue delay and confusion. This order does  
3 not preclude the defense from raising a mistake-of-fact defense.

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5 DATED this 22<sup>nd</sup> day of August, 2013.  
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BENJAMIN H. SETTLE  
United States District Judge

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15 Presented by:

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